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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,497	07/18/2000	Yu Zheng	PAT-1238-DIV	9055
7590 07/12/2004			EXAMINER	
Raymond Sun 12420 Woodhall Way Tustin, CA 92782			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/618,497

**Applicant(s)**

ZHENG, YU

**Examiner**

Winnie Yip

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date April 5, 2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This office action is for a request for continued examination (RCE), filed April 5, 2004 of earlier application.

The text of those sections of Title 35 U.S. Code not included in this action can be found in a prior office action. Claims 1-3 and 71 are pending in the application.

Claims 1-3 and 71 are pending in the application.

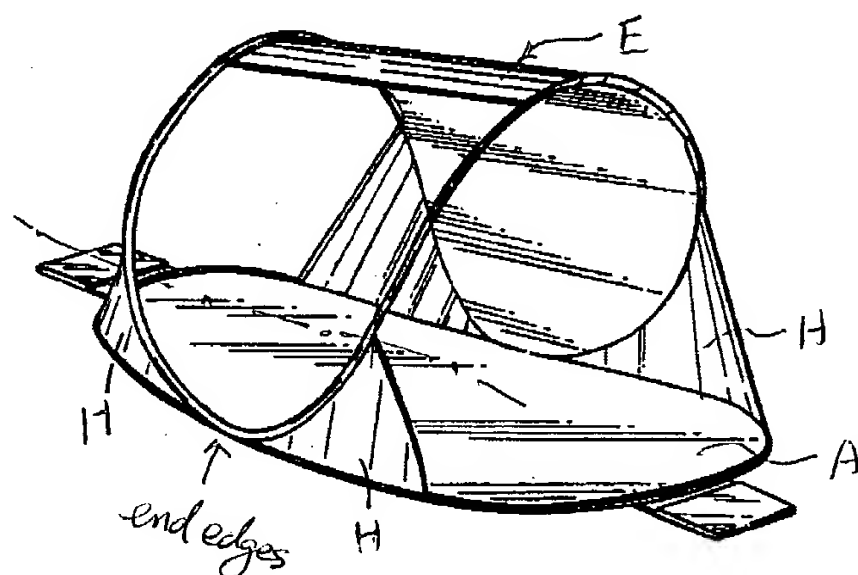
### *Claim Rejections - 35 USC § 103*

1. Claims 1-3 and 71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McLeese (D341,407) in view of Chin '961.

McLeese '407 (see drawings shown below) teaches a collapsible structure comprising a single first base panel (A) having a foldable frame members (C) partially being covered by a flexible material (D) through a sleeve (S1) which is extend along an outer periphery of the flexible material (D), a single second upper panel (E) having a foldable frame members (F) partially covered by a flexible material (G) through a sleeve (S2), wherein the second upper panel (E) having two opposite end edges (B) being coupled to the opposite sides of the outer periphery of the first base panel (A) by interconnecting pieces (H) such that the first lower and second upper panels (A, E) define an interior space therebetween, and the second upper panel (E) has a front edge (I) defining an opening for ingress and egress to the interior space. Although McLeese does not define the entire opposite end edges of the second upper panel (E) each being coupled to the outer periphery of the first base panel by single interconnecting piece that causes the opposite end edges of upper panel spaced apart and extending beyond the outer periphery

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edge of the base panel. Chin teaches a collapsible structure comprising a plurality of panels being coupled together including an upper panel (14) and a lower side panels (12) each having a fabric material (66, 3, respectively), a sleeve extending along the outer periphery thereof, a foldable frame member (64, 28, respectively) is covered by the sleeve respectively long the outer periphery of the panel, wherein the upper and lower panels having edges being coupled together by a interconnecting fabric piece (see Fig. 6) such that the opposite edge edges of the upper panel (14) being positioned space apart and extending outside of the edge of the lower panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collapsible structure of McLeese having the opposite end edges of the upper panel being coupled to the opposite edges of the lower panel by interconnecting fabric pieces coupled between two sleeves between the edges of two foldable for coupling the edges of two panels together as taught by Chin, as old and well known connecting concept, as disclosed by the applicant by alternative embodiment show in Figs, 1A and 16, at a location, such that the edges of the upper panel can be spaced apart secured to and also extended beyond (inside or outside) of the edge of the base panel to provide an suitable interior space area as desired.



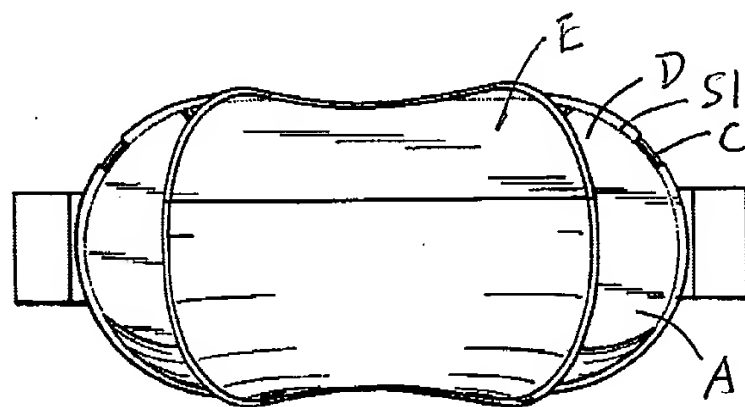


FIG. 3

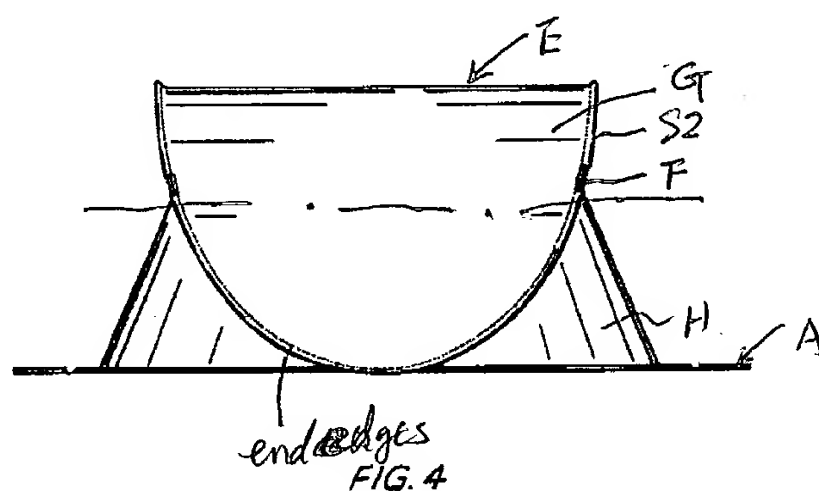


FIG. 4

2. Claims 1-4 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeese '407 in view of Zheng '915.

The claims are considered to be met by McLeese '407 as explained and applied above rejection except that McLeese does not define an single interconnecting fabric piece connecting between each the opposite end edge of the second upper panel (E) and the opposite side of the outer periphery of the first base panel (A) for allowing each of the opposite end edges of the upper panel extending beyond and coupled to the opposite sides of the outer periphery of the first base panel. Zheng teaches a collapsible structure (see fig. 6) comprising a single first base panel (52a) inherently having an outer periphery (54a-54d), a second upper panel which is formed by at least two connected sections (52b, 52c, 52d), the second upper panel having

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opposite end edges (60a, 54a) each being coupled to the opposite sides (54c, 58a) of the outer periphery of the first base panel by interconnecting fabric pieces (i.e., 37, 37a, 37) respectively such that the opposite end edges of the second upper panel are connected to and extending beyond the outer periphery of the base panel to define two extensions between the base panel and the upper panels and to define an enlarged interior space therebetween. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collapsible structure of McLeese having the opposite end edges of the upper panel being coupled to the opposite side of the outer periphery of the lower panel by interconnecting fabric pieces as taught by Zheng, as old and well known connecting concept, for easily coupling edges of two panels together and providing an extension whether it is extended outwardly or inwardly between two panels to define desirable interior space area as to accommodate various applications.

### ***Response to Arguments***

3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this Case, all references to McLeese and Zheng and Chin teach a collapsible structure comprising panels each formed by a foldable frame covered by a material along a sleeve formed

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by the material. McLeese discloses the collapsible structure comprising an upper panel having opposing end edges coupled to opposite side periphery of a base panel as claimed. Although, as applicant argued that McLeese does not define the opposing edges of the upper panel being coupled to the base panel by an interconnecting piece such that the opposing edges of the upper panel extending beyond the outer periphery of the base panel as claimed, we agree that this is so, otherwise our rejection would have been entered under section U.S.C. 102 of the statute. Zheng and Chin are used as a teaching reference only to teach two opposing end edges of one panel would be coupled to an outer periphery of another panel by an interconnecting piece which is interconnected between the sleeves of two panels, as well known in the art of sew field, such that the opposing edges of upper panel would extend beyond the outer periphery of the other panel as claimed due to the flexible properties of the frames of the panels and the interconnecting pieces. Zheng and Chin solve the same problem as defined by applicant. Further, regard to applicant's argument that the interconnecting pieces (H) of McLeese's structure do not coupled the end edges of the upper panel but rather to be coupled to the side edges of the upper panel. It is examiner's position that the interconnecting pieces (H) of McLeese's structure are broadly considered to be coupled to the end edges of the upper panel since an end edge would be the end area of a curved edge of the panel. Regard to applicant's argument that the end edges of McLeese's structure are rounded at a curved point which would not be practical or feasible to be coupled by an interconnecting piece since one would then have a very thin piece of material that connects the rounded end edge, this is not persuasive since, first, applicant does not disclose the specific dimension of the interconnecting piece. Second, applicant specifically claims the interconnecting piece being a fabric piece which as same as taught by Zheng and Chin. Further,

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using a fabric piece to connect two curved edges of two panels would have been obvious to one ordinary skill in the art as taught by Chin.

Therefore, the rejections still deemed proper and ground.

### *Citations*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cho '040, Gayton '127, McAllsiter '538 teach various collapsible structures comprising opposing end edges of an upper panel being coupled to outer periphery of a base panel as similar to the claimed invention. Zheng '147 (see figs. 10-11) teach a fabric piece coupled between the sleeves of two panels for providing an expending area therebetween .

### *Inquiry Contacts*

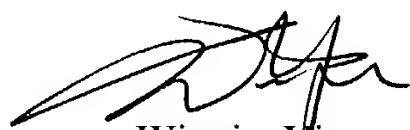
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy  
July 2, 2004